

1 JS-6
2
3
4
5
6
7
8
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 KENNY BENETIZ,)
13 Plaintiff,) CASE NO. CV 09-9303-R
14 vs.)
15) JUDGMENT
16 CITY OF MONTEBELLO,)
17 Defendant.)
18 _____)

19 This action came on for hearing before the Court on September 13, 2010, on Cross-
20 Motions for Summary Judgment. Carolina Veronica Diaz appeared for Plaintiff, Kenny Benetiz,
21 and Andres Hurwitz appeared on behalf of Defendant, City of Montebello.

22 The evidence presented having been fully considered, the issues having been duly heard
23 and a decision having been duly rendered,

24 IT IS HEREBY ORDERED AND ADJUDGED that:

- 25 1. Plaintiff's motion for summary judgment is hereby granted in its entirety.
26 2. Plaintiff Kenny Benetiz is awarded 117.68 annual leave hours, and Defendant City shall
27 place this accrued annual leave into Plaintiff's existing annual leave bank.

1 3. Plaintiff is awarded payment into his pension/CalPERS account by the Defendant City
2 for the months while he was on military leave, specifically January 2009, February 2009, March
3 2009, April 2009, May 2009, June 2009, July 2009, August 2009, September 2009, and October
4 2009. On directive from Defendant, CalPERS shall calculate the amounts owed by Defendant
5 City and upon said calculations, Defendant City shall pay directly into Plaintiff's CalPERS
6 account and notify Plaintiff of such contribution.

7 4. Plaintiff is awarded attorneys' fees and costs pursuant to a stipulation between the
8 parties and/or a motion for attorneys' fees and costs to be filed by Plaintiff.

9 Dated: September 27, 2010.



10
11 MANUEL L. REAL
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28